

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

INTERNATIONAL BUSINESS MACHINES
CORPORATION,

Plaintiff,

v.

JEFF S. SMITH,

Defendant.

Case No. 7-17-cv-05808 (CS) (PED)

**DECLARATION OF SARAH E.
BOUCHARD IN SUPPORT OF
SUPPLEMENTAL PROPOSED
FINDINGS OF FACT AND
CONCLUSIONS OF LAW**

DECLARATION OF SARAH E. BOUCHARD

I, Sarah E. Bouchard, under penalty of perjury and from personal knowledge, make the following declaration:

1. I am over 21 years old and have personal knowledge of, and am competent to testify to, all of the facts set forth herein.
2. I am a partner with Morgan, Lewis & Bockius LLP, which represents Defendant Jeff Smith (“Mr. Smith”).
3. I submit this declaration in support of Mr. Smith’s Supplemental Proposed Findings of Fact and Conclusions of Law.
4. A true and correct copy of Mr. Smith’s First Set of Requests for Expedited Production of Documents is attached as Exhibit 1.
5. A true and correct copy of IBM’s policy on the return of company-issued devices is attached as Exhibit 2.
6. After IBM continued to claim that Mr. Smith acted improperly in wiping his IBM-issued devices upon his departure from IBM, Mr. Smith repeatedly requested IBM’s

policy on the return of company-issued devices. IBM did not provide Mr. Smith with that policy until yesterday, August 15, 2017.

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 16th day of August, 2017.

A handwritten signature in blue ink, reading "Sarah E. Bouchard", is positioned above a horizontal line.

Sarah E. Bouchard